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SECRETARY MARSHALL IS NOT THE GOVERNMENT

by Felix Morley

On June 9, Secretary of State Marshall announced that the government of the United States "approves and accepts" the recommendations of the London Conference for the disposition of Western Germany. His announcement was made almost casually, at a routine State Department "news conference".

It is not unlikely that these recommendations will prove to be the nearest thing to a peace treaty with Germany that will ever be written. They commit the American people to undertakings of indefinite duration and far-reaching importance. Under the London Agreement, announced on June 7, the United States becomes morally obligated to apply "necessary enforcement measures" in Germany on the majority decision of a new International Authority where American representatives will have three out of fifteen votes.

Very few Americans have any idea of what this new arrangement is, or how it came to be made. While the text of the undertaking is available, it has received only summary attention in most of our newspapers. Editorial comment, judging by samples at hand, has been both superficial and misleading. For this the press is scarcely to blame. Currently there is a stern competition of news items for available space. And the Department of State has made no attempt to emphasize the significance of the undertaking which Secretary Marshall has personally "accepted" in the name of the American Government.

There are two major reasons why the Department of State is tacitly underplaying the news in this extremely important development, in spite of the huge propaganda machine which this department has built to influence public opinion at home, and to carry what is euphemistically called "the Voice of America" to far corners of the earth.

In the case of the pending agreement for Germany the Department of State is publicity shy because -- not for the first time -- the Administration is completely by-passing the United Nations in a manner scarcely consistent with the obligations of membership. The second, and more important, reason for aversion to publicity in this matter is that the Department of State is also playing fast and loose with the Constitution of the United States.

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At his news conference on June 9, Secretary Marshall was asked whether he had considered the Constitutional implications of his decision to accept the London Agreement, in the name of the "government" of the United States. The Secretary replied that he had not consulted any lawyers in the matter. It is to be assumed that he has President Truman's approval, but that is not enough.

Certainly it might have been embarrassing to take legal opinion, since the political objective is to put this agreement into effect as quickly as possible, and since there is a very strong case for the argument that this agreement is a treaty between the United States and other sovereignties. If so, it must have Congressional approval under that part of Article II, Section 2 of the Constitution, which says:

> "He [the President] shall have power by and with the advice and consent of the Senate to make treaties, provided two-thirds of the Senators present concur; . . . "

The London Agreement of June 9 covers a lot of ground, with the purpose of establishing in Western Germany an independent federal republic to which the areas under Russian occupation might eventually adhere. But from the viewpoint of international law the most significant part of the arrangement is the proposal to establish an "International Authority for the Ruhr", the great coal, coke and steel producing area which for a century has given Germany most of its economic strength.

As released by the Department of State, the recommendation for this new International Authority is textually as long as the general "Communique" to which it is attached. The "Annex" concerning the Ruhr is the tail which wags the dog. It contains twelve sections, of which numbers 2 and 3 indicate the magnitude of the step which Secretary Marshall has now "approved", in the name of the United States.

> "2.) The International Authority shall be composed of representatives of the United States, United Kingdom, France, Netherlands, Belgium, Luxembourg and Germany.
>
> "3.) The International Authority shall take its decisions by majority vote. The United States, United Kingdom, France and Germany shall have three votes each, and the Netherlands, Belgium and Luxembourg one vote each."

Admittedly there is room for debate as to what is and is not a treaty. But if the above arrangement among the United States and five other sovereign Powers is a mere executive agreement, then it must be said that there is no longer any such thing as a treaty and Article II, Section 2 of the Constitution has become a dead letter.

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There is much evidence for the belief that elimination of the treaty-making power of the Senate is one objective of State Department policy in this matter. Many appointed officials of that department have long been restive under the restraints on personal government imposed by the provision for obtaining Senatorial "advice and consent".

III

It is interesting to note the different procedures followed in Great Britain, France and the United States in the effort to establish the London Agreement as a matter of national policy.

In Great Britain, the Foreign Minister, Mr. Ernest Bevin, kept the Prime Minister and Cabinet fully informed during the six weeks of diplomatic negotiations. When agreement was reached, by the normal procedure of discussion and concession, it received Cabinet approval. Then the agreement was submitted to Parliament for inquiry and examination. Full opportunity was given the elected representatives of the people to accept, to modify or to reject the program to which the executive had given approval.

The same democratic procedure operates in France. There, in addition to Cabinet sanction, the Committee on Foreign Affairs of the Chamber of Deputies had to be consulted before submission of the agreement to the popular Assembly. Foreign Minister Bidault observed on the floor of the Chamber, on June 11, that "the Agreement is not definite until it has been approved by Parliament".

The American system of government is unquestionably less democratic than that of either Great Britain or France. The Constitution of the United States does not provide that international agreements made by the executive arm be submitted to the House of Representatives for approval. But for that very reason the provision for securing the "advice and consent" of the Senate is the more important.

So it appears that Secretary Marshall was grossly exceeding the Constitutional prerogative of his office in accepting the London Agreement on Western Germany in the name of the government of the United States. Without the consent of the Senate, as was promptly pointed out by Senator Taft and others, the Secretary of State has no authority to bind the country in this manner. This appointed official may and should recommend approval of a treaty in the President's name. But the President cannot himself adopt a treaty, and no treaty agreement adopted in this unconstitutional manner is binding on the American people. That should be clearly understood in Europe.

This argument, of course, has nothing whatever to do with the merit or demerit of the particular proposal. Much could be said for,

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and much against, the actual provisions of the pending London Agreement. But the primary issue is a matter of Constitutional Government. To deny this is simply to deny authority to our republican institutions.

IV

There is an underlying moral in all this. The moral is not new -- it has merely been forgotten by the men who have run the United States for the last fifteen years. They have come to believe that the end justifies the means. And in this case the end is merely to escape somehow from the ghastly tangle in which the doctrine of personal government has involved the United States.

It is now almost three years since President Truman went to Potsdam and made an unbelievably stupid agreement for the disposition of post-war Germany. Under the wartime powers of the President, and as a result of the "Unconditional Surrender" policy, Mr. Truman had the power to turn half of Germany over to Russia. But the possession of power did not make that action wise.

In addition to this inept division of Germany the President of the United States authorized a fantastic policy of vengeance, industrial dismantling and general ruination for that part of Germany which was not handed over to Stalin. Three years of this policy has done more than destroy what was left of Germany. It has also ruined all Western Europe, which must now be subsidized indefinitely by Americans.

The outlook is so bad, and the results of the Roosevelt-Truman policy of personal rule so disastrous, that the Administration belatedly realizes it must completely change the direction of its German policy -- with a minimum of delay. To do this it must simultaneously placate the French, whose narrow and intransigeant nationalism is not averse to the utter destruction of Germany, so long as they can count on the American taxpayer to stand the cost involved.

Because it has become hopelessly entangled in the alien politics of Europe the Truman Administration seems to feel that it must now scuttle the Constitution of the United States, as the only quick way of escape from the mess of its own making. To reveal the sordid picture as it is, in an election year, would be politically disastrous.

Secretary Marshall is not the culprit. He is merely attempting to hold together a policy for which he is not responsible. Many a good soldier has gone down courageously in an unsavory cause.

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Not Merely Gossip *A Supplement to* Human Events VOL. V, NO. 24

By Frank C. Hanighen June 16, 1948

As the GOP Convention approaches, industrious souls around the Capitol produce sheets of paper filled with what they admit may prove the most ephemeral of figures. We have inspected a number of these score-cards, which hazard estimates of the strengths of the leading candidates, in the state delegations. Some of these guesses command respect, since they are compiled by veterans of many conventions. From these expert estimates this column has struck an average for the first ballot -- on the outcome of which are based guesses about later developments. Thus, the tally for the opening scores of the three major candidates runs as follows: Dewey and Taft, neck and neck, with approximately 275 each; Stassen about 140.

The next point of controversy is "where will they go", when the first break comes. It is thought pretty likely that the New York Governor will gain about 15 from Indiana and about 20 from New Jersey. Taft should pick up his largest dividends from Wisconsin and Illinois, and a scattering from Indiana, Nebraska, Connecticut, Colorado, New Jersey, Delaware and Tennessee; Stassen a more modest scattering from Connecticut, New Jersey, Illinois and Colorado. Some observers believe that Taft should make as good a showing on the first break as Dewey, and much better than Stassen. The Minnesotan's peak is rated at no more than 170.

The "big break" remains the major puzzle, with Pennsylvania and California the target of scrutiny. In the past week, there has been increasing discussion about the power of Governor Duff to control his Pennsylvania delegation. Warren of California already has complete power to deliver his group. There is a current schism in the Pennsylvania delegation. Governor Duff strongly opposes Dewey, and reputedly leans toward Vandenberg. National Committeeman Owlett favors Dewey. Some wonder if the schism will be healed by a compromise in favor of Taft. As for California, it is reasonable to assign to Dewey rather than to Taft a better chance to win Governor Warren's favor. All in all, Pennsylvania and California bear close watching.

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The "blitz", led by Vandenberg and a number of metropolitan newspapers, against the House for its reduction of ECA funds looks rather silly after a study of the European aid background. When the Senator from Michigan treated the House action as "cynical", a number of facts were not immediately taken into consideration. From the very beginning, foreign aid requests were regarded as "guess-timates". In September 1947, the 16 European nations asked for approximately $29 billion -- a "must", they said, for a four-year period. The Committee on European Economic Co-operation thereupon checked the requirements and reduced this amount to $19,310,000,000. The first year's outlay was to be $8,040,000,000, later revised downward to $7,120,000,000. Then the State Department pared the four-year recommendation down to $17 billion and the first year's outlay to $5,300,000,000. Was this a sacrosanct, "rock-bottom" figure? The House Hearings show that State Department witnesses testified that the $17 billion was a "rough estimate".

Nor was this figure considered "sacrosanct" when it reached the floor of Congress. We talked to a prominent member of the House last Friday. He opposes the reduction, but said, "Vandenberg's criticism does not go down here. We all recall that it was the sense of this body that the House Appropriations Committee should have full power to consider, and, if necessary, to cut the State Department request. This attack on the House has not made the gentleman from Michigan any friends over here." As for the Senate, some rather interesting quotations from the Senate debates of March 12 (which the metropolitan press has seen fit to ignore) make one wonder about the motives of Senator Vandenberg today.

On March 12, Senator Bridges, Chairman of Senate Appropriations, said: "I should like to ask the Chairman of the Foreign Relations Committee (Vandenberg)

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who has been the sponsor of the measure both in his committee and before the Senate, whether a vote for $5,300,000,000 -- if it is so voted by the Senate and by the House -- or for any other amount voted by the Congress, will leave the Appropriations Committee of the Senate absolutely free to study, examine and scrutinize all the items in the bill, and to report its own figure and recommendations, without being subjected to the criticism of the sponsors of the bill or the Government propaganda which is let loose whenever an authorization is made, to put pressure on the Appropriations Committee to appropriate the exact figure of the authorization. I should like to have that question settled before I vote.

"SENATOR VANDENBERG. . . . I expect the Senate Appropriations Committee to give due consideration to the record which has been written, as a part of the basis of its judgment. I do not expect the committee to consider that it is bound to accept the figure in the authorization unless it finds the figure justified by its own independent investigation. The Senator will understand that so far as the Senator from Michigan is concerned he thinks the appropriations should be $5,300,000,000. But that is beside the point. . . . But there will be no recrimination from the Chairman of the Foreign Relations Committee, there will be no argument based on that sort of a thesis, if the figure is changed. . . . If I were discussing it, I would emphasize now, as I have repeatedly emphasized before, that in the opinion of the Senator from Michigan, there never can be too much scrutiny put forth at every step of the evolution in this almost completely speculative enterprise and adventure."

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Senator Dworshak of Idaho introduced the perennial "ghost at the feast" (dismantling of German plants) to the Hearings on the ECA request for funds, June 11, before the Senate Appropriations Committee. The Idaho Senator with rather weary patience drew the attention of ECA chief Paul Hoffman to a circular of the Office of International Trade, Department of Commerce, dated June 8. The circular listed various German factories which had been dismantled and were being placed before prospective American purchasers. Dworshak read from the circular the description of a plant which, the Senator thought, might well be retained in Germany to assist in the reconstruction of the country. The plant was the Dyckerhoff Portland Zementwerke, A. G., at Heuweind, Rhineland, described as "entire cement plant. Wet process. 2 rotary furnaces. Capacity 300,000 tons. Available for reparations of 1948." Dworshak also noted that the International Trade circular listed another plant for "production of hoists, winches, quarry and processing equipment, etc." Neither of these plants were arms plants, but were nevertheless declared "surplus". Mr. Hoffman, in answer to Dworshak, said that he would "check up".

Elsewhere on this interesting circular were listed some large steel plants, dismantled and offered for purchase. While Senator Dworshak was speaking, news reports were coming in from Detroit, announcing that General Motors had declared an "unpaid vacation" for its workers in plants in that area, because of the steel shortage. Later, commentators were quick to blame John L. Lewis, but few mentioned the relation between the steel shortage in this country, our steel exports under ERP, and the dismantling of steel plants in Germany.

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Among numerous explanations of Russia's policy, there is one which has received little consideration. This particular interpretation of the Kremlin mind has been relayed to us from a British M. P., whom we know, and whose judgment and intelli-

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gence we respect. The Britisher has recently returned from a trip to Czechoslovakia, where he talked to high officials not only of that Communist republic, but also with officials from other satellite States. These officials, he found to his surprise, were utterly convinced that the next President of the United States would be Henry A. Wallace. The British M. P. not unfairly drew the inference that this conviction was shared by Moscow, indeed propagated by Moscow. This extraordinary delusion, he felt, prompted the recent Moscow "peace offensive" and -- he ventured to predict -- will prevent the Russians from doing anything drastic in Europe until after the U. S. election. When the delusion is cracked early in November, then the Kremlin can hibernate until spring, the while it seeks to discover why it was so badly informed about American politics.

The Britisher's story sounds a bit incredible to American ears. But there are reasons for giving it a day in court. Experience has shown that other totalitarian States have suffered from highly erroneous information and advice about the political goings-on in the United States, not to mention in other democratic lands. The records of Hitler and Mussolini show that those dictators acted on very spurious notions of the politics of France, Britain and the United States. The moral is often drawn that the intelligence agents of those Fascist States tended to tell their masters what they thought the masters wanted to believe. Is it not possible that the Kremlin's aides in this country have been doing the same? It may be well objected that the Britisher's report on satellite opinion should be somewhat discounted. Even so, is it not likely that the Kremlin and its friends behind the Iron Curtain have grossly exaggerated the strength and the role of Henry A. Wallace?

* * * * *

The Arab case is rarely presented, while the Zionist arguments find generous outlets in the American press. Therefore, the following statement, which gives the Arab side, deserves quotation, although it appears in a small-town paper, the Berkshire Evening Eagle (Pittsfield, Mass., June 1). That paper, reporting the proceedings of the Syrian and Lebanese American Federation of Eastern States (how many votes do these elements cast?), quotes Dr. John G. Hazam, professor of history at the College of the City of New York, as charging the Jews with "wanton aggression". He said: "I fear that the United States is being deliberately misled into a line of action in the Near and Middle East which is absolutely contrary to its past traditions of friendship and mutual helpfulness with the native Arabic-speaking peoples, and which is against its best moral and material interests. More recently that policy has become characterized by vacillation and the use at times of regrettable and unworthy tactics largely dictated by short-sighted considerations of local, domestic politics rather than by a full and proper estimate of the true situation in the eastern Mediterranean. Such a policy is contrary to all those democratic principles and spiritual ideals for which the name of America, alone among nations, has long stood in the eyes of the Arabic-speaking world, as well as in the eyes of all Asia."

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We have received from Dr. Harry Elmer Barnes, author of The Genesis of the World War (1926), an interesting leaflet entitled The Struggle Against the Historical Blackout. It contains some interesting observations by Dr. Barnes about the campaign by interventionist reviewers and other writers to discredit new studies like those of Dr. Charles A. Beard and George Morgenstern. Readers who wish copies of this leaflet may apply to Dr. Barnes, Cooperstown, N. Y.

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Book Events

Mechanization Takes Command: A Contribution to Anonymous History, by Siegfried Giedion. New York: Oxford University Press, $12.50. Reviewed by J. M. Lalley.

In this large, expensively illustrated and fascinating book, Dr. Giedion, a Swiss professor of art and design, undertakes to trace for us the influence of the technological revolution on various articles of everyday use, and thereby on the psychical and emotional lives of modern men and women. The influence, I take it, has not been an altogether happy one. Mechanized methods of production have indeed given us an almost undreamed of abundance and seemed for a time almost to promise us release from the hereditary curse of Adam. But all this has been accomplished at great expense to the human spirit through the disruption of immemorial patterns and rhythms of life. The greatest evil has been the gradual divorce between the inner world of man and the outer universe, resulting from the workman's loss of intimacy with his materials. The division of labor prescribed by the great Adam Smith permitted the introduction of machinery and a uniformity and precision of motion of which the hand is incapable. At the same time the division of labor requires that the product shall be shaped for a general market rather than a particular need; in other words goods are made for sale rather than for use. Dr. Giedion sketches the history of fragmented labor through such phases as the device of interchangeable parts, the method of continuous production, the introduction of the assembly line and the psychomotory disciplines of Frederick Taylor and Henry Ford.

From the artistic point of view the chief results of the division of labor have been the corruption of form, the disintegration of spatial unities and the devaluation of symbols. Thus in the early Nineteenth Century, for example, each article of furniture became self-sufficient in design, and here perhaps begins that tendency toward universal irrelevance whereby Dr. Giedion's compatriot, Max Picard, has sought to explain the phenomenon of Hitler. Anyway, the expanding textile industries found markets in the fantastic draperies and upholsteries of the Romantic era. A similar irrationality of ornamentation is to be found in other domestic articles of the period, which merely imitated the products of an earlier draftsmanship without preserving the relation of design to material. Gradually, however, the idea of utility superseded ostentation. In furniture utility meant comfort, but concepts of comfort were based on an obsession with the idea of motion, as Dr. Giedion shows in his history of the evolution of chairs and beds and railways seating equipment. The same obsession, in conjunction with the ideals of egalitarianism and feminism, has directed the gradual mechanization of the household. With the advent of mechanical kitchens and automatic cleaning devices and the assembly-line production of every kind of food, the ancient household arts, which every woman once accepted as her natural metier, have like the ancient handicrafts virtually disappeared. The tendency toward social recessiveness is reflected in the evolution of the modern bathroom, where bathing has lost its ritual and regenerative character and becomes mere private ablution. But perhaps the symbolic devaluation is best illustrated in the character of bread, which has ceased to be the norm and staple of nutrition and is like candy bars or carbonated beverages only "an article of fashion for which new charms must ever be devised".

Dr. Giedion, however, is not one of those who believe that machinery has a will and purpose of its own independent of the wills of men. Machinery in itself is neither good nor evil; what matters is its place in the imagination of men. Our mechanized Society is the logical outcome of the mechanized view of the universe, of the illusion of progress and of the consequent exaltation of science over art. But the mechanistic cosmology has now been demolished by physical science, and there are signs that the reign of mechanization is nearing its end.

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